

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dallo
CLERK OF COURT

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

September 13, 2005

TO: Lynn R. Burse, Jr.
SBI #247219
Lynn R. Burse, Jr. Pro Se
Sussex Correctional Institution
Key South A-Tier PI Building
P.O. Box 500
Georgetown, DE 19947

**RE: Response to Letter received on 9/12/05 Regarding your
Trust Account Summary - CA 05-113 GMS**

Dear Mr. Burse:

The Clerk's Office received your letter and trust account summary for the period March 2004 through August 2004.

As you are aware, the Court's order dated August 26, 2005, directed that you provide a certified copy of your prison trust account summary for the six month period preceding the filing of your complaint, within 30 days of the date of the order.

As noted in the first Filing Fee Order dated 4/19/05:

In order to determine the schedule of payment of the filing fee, the plaintiff shall submit a certified copy of his trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint, obtained from the appropriate official at the institution at which the plaintiff is confined.

The "6 Months Account Statement" that you just provided was for the period 3/1/04 through 8/1/04, and was issued by DCC on 9/16/04.

It appears that you have been relocated to SCI, Georgetown, from DCC, Smyrna. The address change has been noted on the docket (copy enclosed).

Please contact the Business Office at SCI and obtain a detailed inmate account statement for the most recent six month period, or entire period of your incarceration at SCI, if less than 6 months. The trust account fund statement/summary must include all deposits and disbursement activity in your inmate account, which will allow the Court to determine the schedule of payments of the filing fee. Upon receipt of the statement, the Court will issue a further order regarding your filing fees.

Sincerely,

/rbe

PETER T. DALLEO
CLERK

cc: The Honorable Gregory M. Sleet, CA 05-113 GMS

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I HAVE INCLOSED THE PAPER'S THAT 05-113 (GMS)
THE JUDGE HAS REQUIRED TO BE SENT TO
CONTINUE THE CASE. I HAVE NO KNOWLEDGE
OF THE WAY THIS IS DONE, SO IF YOU REQUIRE
ANY MORE INFORMATION IN THIS MATTER PLEASE
LET ME KNOW.

THANK YOU

LYNN BURSE

#247219

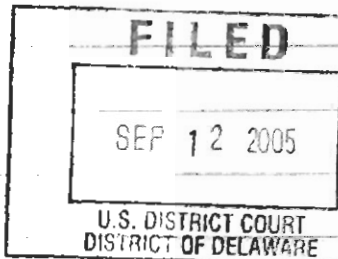
KEY SOUTH A-TIER

PI BUILDING.

SUSSEX CORRECTIONAL

INSTITUTION PO. BOX 500

GEORGETOWN DE 19947



247219
I/M: LYNN BURSE BLDG: KEY-A-TIER
SUSSEX CORRECTIONAL INSTITUTION/
P.O. BOX 500
GEORGETOWN, DELAWARE 19947

1205 U.S. POSTAGE P82230370
7986 \$00.370 SEP 09 05
6169 FROM ZIP CODE 19947

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
844 N. KING STREET, LOCK BOX 18
WILMINGTON DELAWARE
19801-3570

1980143570 12

8

DELAWARE CORRECTIONAL CENTER
SUPPORT SERVICES OFFICE
MEMORANDUM

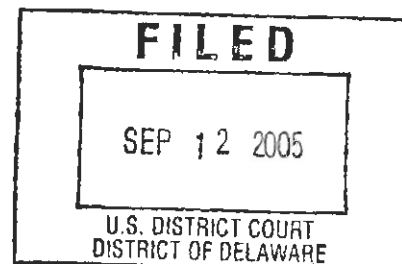
05-113 (6ms)

TO: Lynn Burse SBI#: 247219

FROM: Stacy Shane, Support Services Secretary

RE: 6 Months Account Statement

DATE: September 16, 2004



Attached are copies of your inmate account statement for the months of March 1, 2004 to August 31, 2004

The following indicates the average daily balances.

<u>MONTH</u>	<u>AVERAGE DAILY BALANCE</u>
<u>March</u>	<u>48.29</u>
<u>April</u>	<u>64.2</u>
<u>May</u>	<u>10.87</u>
<u>June</u>	<u>.01</u>
<u>July</u>	<u>14.39</u>
<u>Aug</u>	

Average daily balances/6 months: 1333

Attachments

CC: File

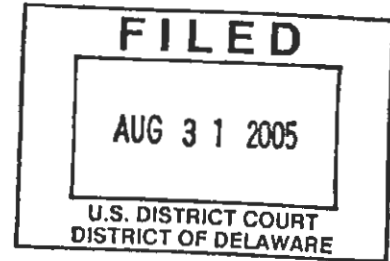
Stacy Shane
9/16/04

Joseph S. Kuehn
9/16/04

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LYNN R. BURSE, JR.,
Plaintiff,
v.
FIRST CORRECTIONAL MEDICAL,
Defendant.

ORDER



WHEREAS, the plaintiff, Lynn R. Burse, Jr., SBI #247219 is a prisoner incarcerated at the Delaware Correctional Center in Smyrna, Delaware, and on February 28, 2005, the plaintiff filed a complaint under 42 U.S.C. § 1983, along with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;

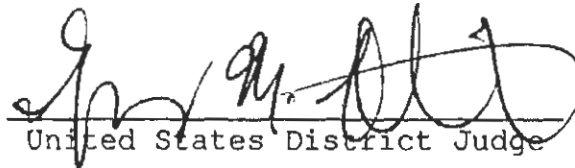
WHEREAS, on April 20, 2005, this Court granted the plaintiff leave to proceed in forma pauperis and ordered him to file a certified copy of his trust account summary for the six month period preceding the filing of the complaint within thirty (30) days from the date the order was sent, or the case would be dismissed (D.I. 3);

WHEREAS, on June 6, 2005, this Court dismissed the plaintiff's complaint because the required documents were not filed within the time provided (D.I. 4);

WHEREAS, on June 15, 2005, the Court received the

plaintiff's letter motion for reconsideration asking the Court to reopen his complaint and stating that he did not understand the Court's Order dated April 20, 2005 (D.I. 5);

THEREFORE, at Wilmington this 26th day of August, 2005, IT IS ORDERED that the plaintiff's request is GRANTED. The plaintiff shall file a certified copy of his trust account summary for the six month period preceding the filing of his complaint within thirty (30) days from the date this order is sent. If the plaintiff fails to file the required documents in the time provided, the Court shall dismiss the action without prejudice.


United States District Judge

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LYNN R. BURSE, JR.,)
)
 Plaintiff,)
)
 v.) Ci. No. 05-113-GMS
)
 FIRST CORRECTIONAL MEDICAL,)
)
 Defendant.)

FILING FEE ORDER

1. The plaintiff Lynn R. Burse, Jr., SBI #247219, a pro se litigant who is presently incarcerated, has filed this action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee.

2. Consistent with 28 U.S.C. § 1915(a)(1), the plaintiff has submitted an affidavit stating that he has no assets with which to prepay the filing fee. Based on the plaintiff's affidavit, his request to proceed in forma pauperis is granted.

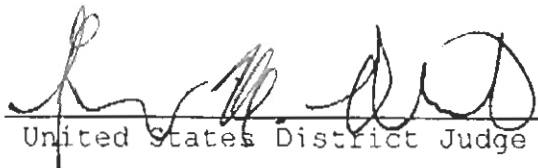
3. Notwithstanding the above, pursuant to 28 U.S.C. § 1915(b)(1), the plaintiff shall be assessed the filing fee of \$250.00. In order to determine the schedule of payment of the filing fee, the plaintiff shall submit a certified copy of his trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint, obtained from the appropriate official at the

institution at which the plaintiff is confined. **FAILURE OF THE PLAINTIFF TO RETURN THE REQUESTED INFORMATION WITHIN 30 DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THIS ACTION WITHOUT PREJUDICE.**

4. Unless the Court determines from the plaintiff's financial information that he has no assets whatsoever, an initial partial filing fee of 20 percent (20%) of the greater of the plaintiff's average monthly deposit or average monthly balance in the trust fund account shall be required to be paid before the court reviews the complaint. **NOTWITHSTANDING ANY PAYMENT MADE, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.**

5. Pursuant to 28 U.S.C. § 1915(g), if the plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, then the Court shall deny the plaintiff leave to proceed in forma pauperis in all future suits filed without prepayment of the filing fee, unless the Court determines that the plaintiff is under imminent danger of serious physical injury.

DATED: 4/12/05


United States District Judge

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:05-cv-00113-GMS
Internal Use Only**

Burse v. First Correctional Medical
Assigned to: Honorable Gregory M. Sleet
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 02/28/2005
Jury Demand: None
Nature of Suit: 555 Prisoner: Prison
Conditions
Jurisdiction: Federal Question

Plaintiff

Lynn R. Burse, Jr.

represented by **Lynn R. Burse, Jr.**
SBI #247219
Lynn R. Burse, Jr. Pro Se
Sussex Correctional Institution
Key South A-Tier PI Building
P.O. Box 500
Georgetown, DE 19947
PRO SE

V.

Defendant

First Correctional Medical

Date Filed	#	Docket Text
02/28/2005	<u>1</u>	MOTION for Leave to Proceed in forma pauperis - filed by Lynn R. Burse, Jr. (dab,) (Entered: 02/28/2005)
02/28/2005	<u>2</u>	COMPLAINT filed pursuant to 42:1983 against First Correctional Medical - filed by Lynn R. Burse, Jr.(dab,) (Entered: 02/28/2005)
03/09/2005	<u>3</u>	Case assigned to Judge Gregory M. Sleet. Please include the initials of the Judge (GMS) after the case number on all documents filed. (rjb,) (Entered: 03/09/2005)
04/20/2005	<u>3</u>	ORDER granting Motion to Proceed IFP. Filing Fee of \$250.00 Assessed. Plaintiff requested to submit trust fund account statement. Failure to submit items within 30 days will result in dismissal of action without prejudice. (Copy to pltf. with Mag. Consent Form) Notice of Compliance deadline set for 5/20/2005.. Signed by Judge Gregory M. Sleet on 4/19/05. (mmm,) (Entered: 04/20/2005)
06/06/2005	<u>4</u>	ORDER DISMISSING CASE (copy to pltf.). Signed by Judge Gregory M. Sleet on 6/6/05. (mmm) (Entered: 06/06/2005)
06/15/2005	<u>5</u>	Letter MOTION to Reopen Case - filed by Lynn R. Burse, Jr. (mmm,)

		(Entered: 06/15/2005)
08/31/2005	●6	ORDER granting 5 Motion to Reopen Case. The plaintiff shall file a certified copy of his trust account summary for the six-month period preceding the filing of his complaint within thirty (30) days from the date this order is sent. Signed by Judge Gregory M. Sleet on 8/26/05. (mmm) (Entered: 08/31/2005)
09/12/2005	●7	Letter to Clerk of the Court from Lynn Burse enclosing financial statement. (mmm) (Entered: 09/12/2005)
09/12/2005	●8	Trust Fund Account Statement by Lynn R. Burse, Jr. (mmm) (Entered: 09/12/2005)
09/13/2005	●	Remark: Address updated. While no formal Notice of Change of Address appears to have been filed by plaintiff, his address was noted as DCC, Smyrna, DE 1997, when the complaint was filed. The return address changed noted when letter (D.I. 5) was filed indicates a location change to Sussex Correctional Institution, Georgetown, DE 19947. The docket has been updated to reflect plaintiff's current address. (rbe,) (Entered: 09/13/2005)